

**REMARKS**

These remarks are in response to the Office Action dated December 10, 2007. Claims 1, 4-6, 8-19, 21-26, and 29 are pending in this application. Claims 31-33 are added. No new matter is presented in the claim amendments and new claims presented herewith.

In the Office Action, the drawings are objected to because the reference number "56" has been used to designate both an airflow passage and indicator lights. The drawings are also objected to because the reference number "38" has been used to designate both a drive wheel and a brush bar pinion. The drawings are also objected to because the reference number "22b" is not mentioned in the specification. The drawings are also objected to because "the turbine pinion that engages the toothed external surface of the drive belt must be shown (Claim 22) or the feature(s) canceled from the claim(s)."

The disclosure is objected to because of the word "in" on line 14 on page 8 of the specification. The disclosure is also objected to because reference number "38" has been used to designate both a drive wheel and a brush bar pinion. The disclosure is also objected to because the reference number "22b," which is mentioned in the drawings, is not included in the specification.

Claim 1 is objected to because the words "characterized in that" are unclear. Claim 2 is objected to because the words "in that it further includes" are unclear. Claim 3 is objected to because the words "in that" are unclear. Claim 7 is objected to because the words "that it further includes" are unclear. Claim 9 is objected to because the word "or" is unclear.

Claim 21 is objected to because the term "motor pinion" lacks proper antecedent basis.

Claim 22 is objected to because the terms "motor pinion" and "toothed external surface" lack proper antecedent basis. Additionally, claim 22 is objected to because a turbine pinion engaging a toothed external surface is not shown in the drawings.

Claims 1, 2, 4-6, 8-10, 13, 15, 17, 18, and 23-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 1,968,530 ("Leathers").

Claims 1-3 and 5-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 1,833,961 ("Bass").

Claims 1, 2, and 5-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,226,832 ("McCormick").

Claim 29 is rejected under 35 U.S.C. § 102(b) as being anticipated by US 4,980,945 ("Bewley").

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCormick in view of Bewley and US 3,924,085 ("Stone").

Claims 1, 2, 9, 15-17, 20, 22, and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication 2002/0104185 ("Weber") in view of McCormick.

Claims 14, 19, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Weber in view of McCormick as applied to claims 1, 2, 9, and 15 and further in view of US Patent Publication 2001/0008036 ("Worwag").

The rejections of claims 1, 4-6, 8-19, 21-26, and 29 are traversed in view of the claim amendments and the arguments below. Applicants respectfully request the Examiner withdraw the current rejections and promptly issue a notice of allowability in view of the following remarks and claim amendments.

## **I. OBJECTIONS**

### **a. Objections to the Drawings**

The drawings are objected to because the reference number "56" has been used to designate both an airflow passage and indicator lights. A Replacement Sheet is attached for amended Fig. 6, where reference number "56" has been replaced with reference number "50." Support exists for this amendment based upon Fig. 4 and the specification.

The drawings are also objected because the reference number "38" has been used to designate both a drive wheel and a brush bar pinion. The Examiner's suggestion has been implemented. A Replacement Sheet is attached for amended Fig. 7, where reference number "38" has been replaced with reference number "38a."

The drawings are also objected to because the reference number "22b" is not mentioned in the specification. The specification has been amended to refer to reference number "22b." The amendment to the specification does not add new matter because the recited structure was clearly shown in the as-filed drawings.

The drawings are also objected to because “the turbine pinion that engages the toothed external surface of the drive belt must be shown (Claim 22) or the feature(s) canceled from the claim(s).” This objection is traversed. Claim 22 claims a pinion that engages a toothed external surface of a drive belt. Figure 13 discloses a drive pinion 135 that engages a toothed external surface 136b of a drive belt 136. One of ordinary skill in the art would understand with reference to the as-filed specification that a turbine or electric motor can be readily interchanged in this embodiment. For example, Figure 13 is described in the first paragraph on page fourteen of the specification as having a “pinion 135 driven by an electric motor 130 (or by a turbine).”

Applicants therefore respectfully request the Examiner’s objections to the drawings be withdrawn.

**b. Objections to the Disclosure**

The disclosure is objected to because of the word “in” on line 14 on page 8 of the specification. The second paragraph on page 8 has been amended to remove the informality.

The disclosure is also objected to because reference number “38” has been used to designate both a drive wheel and a brush bar pinion. The third paragraph on page 10 has been amended to refer to reference number “38” as reference number “38a.”

The disclosure is also objected to because the reference number “22b,” which is mentioned in the drawings, is not included in the specification. As discussed above, the amended specification refers to reference number “22b.”

Applicants therefore respectfully request the Examiner’s objections to the disclosure be withdrawn.

**c. Objections to the Claims**

Claim 1 is objected to because the words “characterized in that” are unclear. Claim 1 has been amended by deleting “characterized in that.”

Claim 9 is objected to because the word “or” on line 1 is unclear. There is no such word presented on line 1 of claim 9. Instead, we believe the Examiner may have intended to refer to Claim 15. Claim 15 has been amended by deleting “or” from line 1.

Claim 21 is objected to because the term “motor pinion” lacks proper antecedent basis. Claim 21 has been amended to correct the antecedent basis.

Claim 22 is objected to because the terms “motor pinion” and “toothed external surface” lack proper antecedent basis. Claim 22 has been amended to provide proper antecedent basis for this claim limitation. Additionally, claim 22 is objected to because a turbine pinion engaging a toothed external surface is allegedly not shown in the drawings. This objection is traversed. Claim 22 claims a pinion that engages a toothed external surface of a drive belt. Figure 13 discloses a drive pinion 135 that engages a toothed external surface 136b of a drive belt 136. One of ordinary skill in the art would understand with reference to the as-filed specification that a turbine or electric motor can be readily interchanged in this embodiment. For example, Figure 13 is described in the first paragraph on page fourteen of the specification as having a “pinion 135 driven by an electric motor 130 (or by a turbine).”

Applicants therefore respectfully request the Examiner’s objections to the claims be withdrawn.

## **II. REJECTIONS UNDER 35 U.S.C. § 102**

### **a. Rejection of Independent Claim 1**

Independent claim 1 is rejected under 35 U.S.C. § 102(b) as anticipated by each of Leathers, Bass, and McCormick. The Examiner asserts that Leathers, Bass, and McCormick individually anticipate each and every limitation of the rejected claim. Applicants respectfully traverse these rejections. Amended claim 1 is not anticipated by any of Leathers, Bass, or McCormick.

Leathers does not disclose or suggest a rotatably mounted tool element which is exposed from above, in front, and below the tool element and readily removable when the upper housing portion is in an open position. Leathers discloses an electric sweeper with a brush housing having “a flap 5 for covering the center opening to the motor-suction unit.” (P. 1, ll. 47-48; Fig. 1). The brush (12) is not exposed or readily and easily removed from above when the flap (5) is in an open position. Instead, the yoke (12’) is provided between the brush (12) and the opening created when the flap (5) is rotated open, and the yoke (12’) is riveted or joined to the lugs (3) or other supports for the pulleys (7, 9). (P. 1, ll. 89-92; Fig. 2). Therefore, the brush (12) may not be removed readily from above through flap (5). Instead, it appears that the brush is being removed through the air inlet (16) at the base sole plate after the springs (25) are

raised free from engagement with (22). (P. 2, ll. 2-5). Because Leathers does not disclose or suggest all of the limitations of independent claim 1, this rejection should be withdrawn.

Bass does disclose or suggest a tool element or brush bar which is exposed from above, in front, and below the tool element and readily removable when the upper housing portion is in an open position. In contrast, Bass teaches a vacuum cleaner having a brush (13) connected to a pulley (18) and an electric motor (8), where the pulley (18) and electric motor (8) are positioned above the brush (13). Upon removal of cover plate (21) or rear part (25), exposure and access to the brush (13) is limited from above the brush (13). Because Bass does not disclose or suggest all of the limitations of independent claim 1, this rejection should be withdrawn.

McCormick does not disclose or suggest a tool element or brush bar which is exposed from above, in front, and below the tool element and readily removable when the upper housing portion is in an open position. In contrast, McCormick teaches a vacuum cleaner with a portion of the base (36) covering the front of the agitator (40) after removal of the cover (80) and the inner agitator shield (58). This front portion of the base (36) includes shoulders (72) molded into the base (36) where the shoulders (72) are used to connect and secure the agitator shield (58) to the base (36). (Col. 4, ll. 66-67; col. 5, ll. 1-5). Because the base (36) includes a portion covering the front of the agitator after removal of the cover (80) and agitator shield (58), McCormick does not disclose or suggest all of the limitations of independent claim 1. Applicants request that this rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully submit that claim 1 is in condition for allowance.

**b. Rejection of Dependent Claims 4-6, 8-10, 13, 15, 17, 18, and 23-25**

Dependent claims 4-6, 8-10, 13, 15, 17, 18, and 23-25 are rejected under 35 U.S.C. § 102(b) as anticipated by Leathers. As discussed above, Leathers fails to disclose or suggest all of the limitations of independent claim 1, let alone the limitations of claims 4-6, 8-10, 13, 15, 17, 18, and 23-25, which ultimately depend therefrom. Applicants respectfully request that these rejections be withdrawn.

Dependent claims 5-6 and 8-10 are rejected under 35 U.S.C. § 102(b) as anticipated by Bass. As discussed above, Bass fails to disclose all of the limitations of independent claim 1, let

alone the limitations of claims 5-6 and 8-10, which ultimately depend therefrom. Applicants respectfully request that these rejections be withdrawn.

Dependent claims 5-6 and 8-10 are rejected under 35 U.S.C. § 102(b) as anticipated by McCormick. As discussed above, McCormick fails to disclose all of the limitations of independent claim 1, let alone the limitations of claims 5-6 and 8-10, which ultimately depend therefrom. Applicants respectfully request that these rejections be withdrawn.

**c. Rejection of Independent Claim 29**

Claim 29 is rejected under 35 U.S.C. § 102(b) as being anticipated by Bewley. Applicants respectfully traverse. Bewley does not disclose or suggest all of the limitations of independent claim 29, such as a tool element which is exposed from above, in front, and below the tool element and readily removable when the upper housing portion is in an open position. In contrast, Bewley teaches a vacuum cleaner having a base (66) covering the front of the rotatable brush (72) when the nozzle top cover (80) is in an open position, as shown in Fig. 3. Because Bewley does not disclose or suggest all of the limitations of independent claim 29, this rejection should be withdrawn.

Applicants respectfully submit that claim 29 is in condition for allowance.

**III. REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1, 9, 15-17, 22, and 24-26 are rejected under 35 U.S.C. § 103(a) as being obvious over Weber in view of McCormick. The addition of Weber, however, does not provide all of the limitations of claim 1 missing from McCormick, as discussed above. For example, the combination of Weber and McCormick does not disclose or suggest a head for a suction cleaner comprising a tool element exposed from above, in front, and below the tool element and readily removable when the upper housing portion is in the open position. Dependent claims 9, 15-17, 22, and 24-26 are allowable at least based on their dependence from independent claim 1. Applicants respectfully submit that these claims are allowable.

Additionally, there is further support for the patentability of claim 22. Weber does not disclose or suggest a pinion driven by an electric motor or turbine where the pinion engages an external surface of the drive belt. In contrast, Weber discloses or suggests a drive shaft (104) of motor (106) which drives a toothed belt (102). (P. 3, para. 0040). Weber discloses in at least

Figure 12 the drive shaft (104) engaging the internal surface of the toothed belt (102). Because Weber does not disclose or suggest all of the limitations of claim 22, this rejection should be withdrawn.

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being obvious over McCormick in view of Bewley and Stone. Claims 11 and 12 each ultimately depend from independent claim 1. The addition of Bewley and Stone, however, do not provide all of the limitations of claim 1 missing from McCormick, as discussed above. For example, the combination of McCormick, Bewley, and Stone do not disclose or suggest a suction cleaner head with a tool element exposed from above, in front, and below the tool element and readily removable when the upper housing portion is in the open position. For at least this reason, Applicants respectfully submit that claims 11 and 12 are allowable.

Claims 14, 19, and 21 are rejected under 35 U.S.C. § 103(a) as being obvious over Weber in view of McCormick as applied to claims 1, 9, and 15 and further in view of Worwag. Claims 14, 19, and 21 each ultimately depend from independent claim 1. The addition of Worwag, however, does not provide all of the limitations of claim 1 missing from McCormick, as discussed above. For example, this combination does not disclose or suggest a suction cleaner head with a tool element exposed from above, in front, and below the tool element and readily removable when the upper housing portion is in the open position. For at least this reason, Applicants respectfully submit that claims 14, 19, and 21 are allowable.

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## CONCLUSION

Each of the objections and rejections in the Office Action dated December 10, 2007 has been addressed and no new matter has been added. Applicants submit that all of pending claims 1, 4-6, 8-19, 21-26, 29, and 31-33 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,

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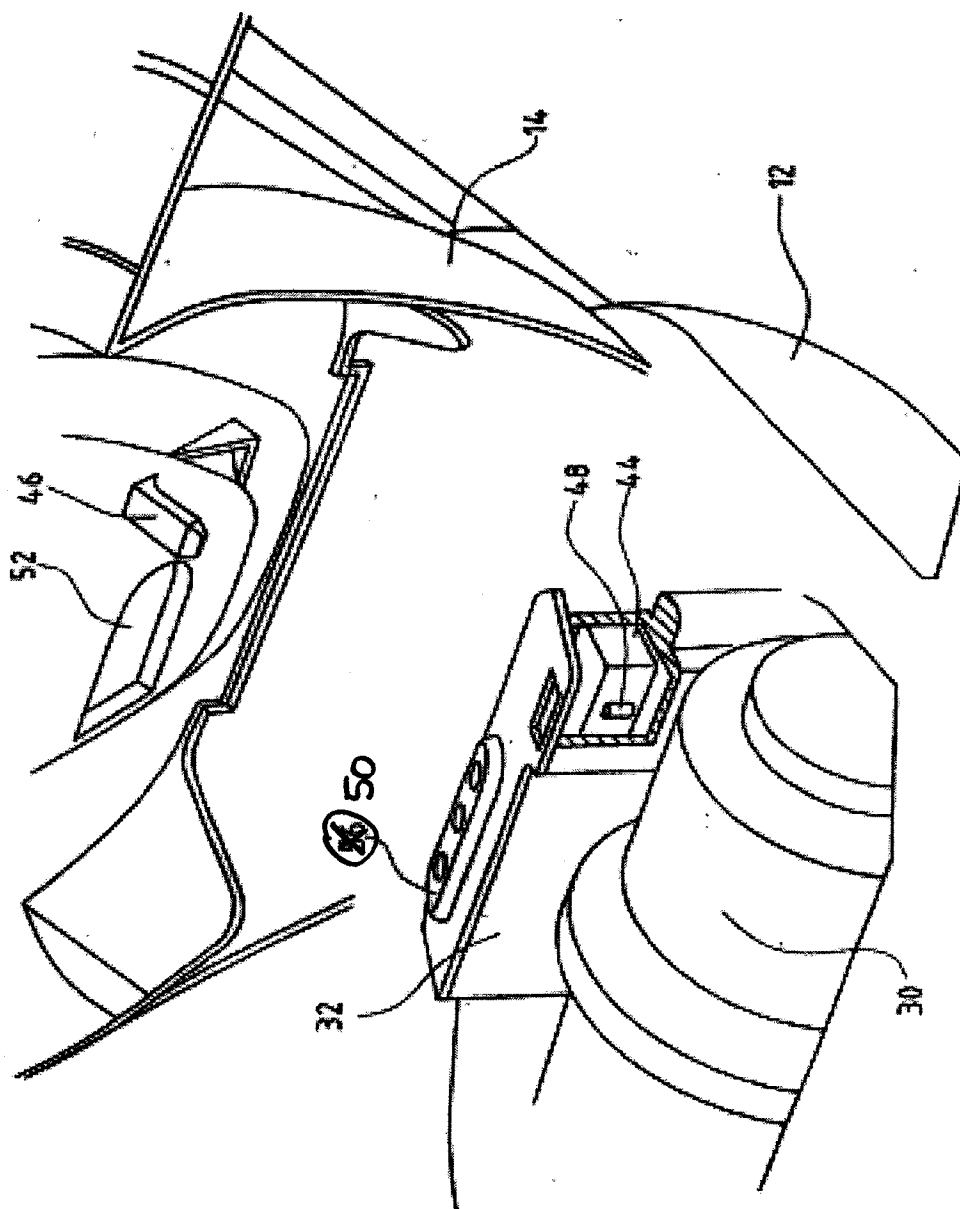
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WO 2004/052166

ANNOTATED SHEET

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Change "56" to "50"

FIG 6

W/O 2004/052166

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# ANNOTATED SHEET

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